

## **U.S. FOREST SERVICE PROPOSES CHANGES IN REGULATIONS TO EXPEDITE ENVIRONMENTAL REVIEW**

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The U.S. Forest Service (USFS) proposed regulations to streamline its environmental review process in an attempt to reduce a backlog of over 5,000 permit applicants awaiting NEPA review. The agency asserts that an increasing cost for wildfire suppression has pulled money and personnel from other management projects such as environmental review. The Forest Service receives around 3,000 permit applications each year that require environmental analysis—the agency hopes to accelerate the environmental analysis process by adding new categorical exclusions to environmental review, raising the threshold for extraordinary circumstances that trigger environmental review, and using completed NEPA analyses to satisfy the environmental review requirement for new projects.

The Forest Service identified several projects that generally result in no adverse environmental effects to add to the agency's list of categorical exclusions to environmental review. Specifically, these exclusions include permits for special use on existing USFS roads and trails, infrastructure improvements and repairs of administrative and recreation sites, and conversion of previously unauthorized roads and trails to USFS-managed ones. Notably, the proposed regulations expand a categorical exclusion for special-use permits that require less than 20 acres of land (previously, the exclusion only applied to *minor* special-use permits on fewer than five acres of land). Generally, new exclusions only include projects that typically have minimal environmental effect, and the agency hopes that the new exclusions will allow for the more efficient completion of infrastructure improvements.

In the case of extraordinary circumstances, even projects that fall under a categorical exclusion may be subject to environmental review after consideration of relevant factors. The proposed rule would raise the threshold for determining whether extraordinary circumstances exist; the rule would require a substantial adverse effect on environmental factors rather than a determination of extraordinary circumstances based on the degree of potential effect. Under the proposed rule, an official could weigh the value of long-term beneficial effects over short-term adverse effects.

Finally, the proposed regulations would reduce permit processing timelines by allowing the Forest Service to use completed NEPA analyses to satisfy the review requirement for projects that are substantially similar in scope and impact. The Bureau of Land Management already uses such a procedure for NEPA analysis. The agency hopes that the rule would reduce redundant analyses of similar projects and reduce processing times. Furthermore, the regulations would eliminate scoping requirements for projects that would not require a decision memo, environmental assessment, or EIS. Ultimately, the Forest Service claims that the proposed regulations would speed up environmental review for critical projects without sacrificing environmental protection, but the regulations also raise thresholds that trigger environmental analysis and create many more exclusions to full environmental review.